

1 BROWN RUDNICK LLP  
LEO J. PRESIADO (State Bar No. 166721)  
2 2211 Michelson Drive, 7th Floor  
Irvine, CA 92612  
3 Telephone: (949) 752-7100  
Facsimile: (949) 252-1514  
4 Email: lpresiado@brownrudnick.com

5 Michael J. Bowe (admitted *pro hac vice*)  
mbowe@brownrudnick.com  
6 Lauren Tabaksblat (admitted *pro hac vice*)  
ltabaksblat@brownrudnick.com  
7 7 Times Square  
New York, New York 10036  
8 Telephone: (212) 209-4800  
Facsimile: (212) 209-4801

9 *Counsel for Plaintiffs*

10  
11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA  
13 OAKLAND DIVISION  
14

15 RESOLUTE FOREST PRODUCTS, INC.,  
16 *et al.*,

17 Plaintiffs,

18 v.

19 GREENPEACE INTERNATIONAL, *et al.*,

20 Defendants.

Case No.: 4:17-CV-02824-JST-KAW

**RESOLUTE'S NOTICE OF APPEAL**

Complaint Filed: May 31, 2016

First Amended Complaint Filed: Nov. 8, 2017

**NOTICE OF APPEAL**

Notice is hereby given that Plaintiffs-Appellants Resolute Forest Products, Inc., Resolute FP US, Inc., Resolute FP Augusta, LLC, Fibrek General Partnership, Fibrek U.S., Inc., Fibrek International, Inc., and Resolute FP Canada, Inc. (collectively, “Resolute”) appeal to the United States Court of Appeals for the Ninth Circuit from the final judgment entered on April 21, 2023 (ECF No. 540), which dismissed Resolute’s First Amended Complaint in its entirety and denied Resolute’s Motion for Leave to File Second Amended Complaint as moot, as well as all rulings, orders, findings, and conclusions leading up to that judgment, including but not limited to:

- 1) The trial court’s dismissal of Resolute’s claims against Defendant-Appellee Greenpeace Fund, Inc. and certain claims asserted against Defendants-Appellees Greenpeace International, Greenpeace Inc., Daniel Brindis, Rolf Skar, Amy Moas, and Matthew Daggett by interlocutory Order dated January 22, 2019 (ECF No. 246);
- 2) The trial court’s rulings concerning the scope of discovery by interlocutory Orders dated July 10, 2019 and October 16, 2019 (ECF Nos. 269, 287);
- 3) The trial court’s award of attorney’s fees to Defendants-Appellees Greenpeace Fund, Inc., Greenpeace International, Greenpeace Inc., Daniel Brindis, Rolf Skar, Amy Moas, and Matthew Daggett by interlocutory Orders dated September 24, 2019 and April 22, 2020 (ECF Nos. 279, 314);
- 4) The trial court’s denial of Resolute’s motion to compel the application of additional search terms by interlocutory Orders dated September 14, 2020 and December 23, 2020 (ECF Nos. 339, 374);
- 5) The trial court’s denial of Resolute’s request for issuance of letters rogatory to obtain certain discovery from nonparty Greenpeace Canada by interlocutory Orders dated September 16, 2020 and December 23, 2020 (ECF Nos. 340, 374);
- 6) The trial court’s January 20, 2021 interlocutory Order (ECF No. 381) directing Resolute to supplement its responses to certain damages interrogatories issued by Defendants-Appellees; and
- 7) The trial court’s November 2, 2022 and April 10, 2023 interlocutory Orders (ECF Nos. 486, 537) imposing sanctions against Resolute.

**REPRESENTATION STATEMENT**

**Plaintiffs-Appellants:** Resolute Forest Products, Inc.; Resolute FP US, Inc.; Resolute FP Augusta, LLC; Fibrek General Partnership; Fibrek U.S., Inc.; Fibrek International, Inc.; and Resolute FP Canada, Inc.

**Counsel for Plaintiffs-Appellants:**

Leo J. Presiado  
Brown Rudnick LLP  
2211 Michelson Drive  
Irvine, California 92612  
Telephone: (949) 252-1514  
LPresiado@brownrudnick.com

Michael J. Bowe  
Lauren Tabaksblat  
Brown Rudnick LLP  
7 Times Square  
New York, New York 10036  
Telephone: (212) 209-4800  
MBowe@brownrudnick.com  
LTabaksblat@brownrudnick.com

**Counsel for Defendants-Appellees Greenpeace International (aka Greenpeace Stichting Council); Greenpeace, Inc.; Daniel Brindis; Amy Moas; Rolf Skar; and Matthew Daggett:**

Thomas R. Burke  
Davis Wright Tremaine LLP  
50 California Street, Suite 2300  
San Francisco, CA 94111  
Telephone: (415) 276-6500  
thomasburke@dwt.com

Lacy H. Koonce, III  
Klaris Law PLLC  
29 Little West 12th Street  
New York, NY 10014  
Telephone: 917-612-5861  
lance.koonce@klarislaw.com

Laura R. Handman  
Chelsea C. Kelly  
Davis Wright Tremaine LLP  
1301 K Street NW, Suite 500 East  
Washington, DC 20005  
Telephone: 202-973-4200  
laurahandman@dwt.com  
chelseakelly@dwt.com

**Counsel for Defendant-Appellee Greenpeace Fund Inc.:**

Thomas R. Burke  
Davis Wright Tremaine LLP  
50 California Street, Suite 2300  
San Francisco, CA 94111  
Telephone: (415) 276-6500  
thomasburke@dwt.com

Laura R. Handman  
Chelsea C. Kelly  
Davis Wright Tremaine LLP  
1301 K Street NW, Suite 500 East  
Washington, DC 20005  
Telephone: 202-973-4200  
laurahandman@dwt.com  
chelseakelly@dwt.com

Karl Olson  
Aaron R. Field  
Cannata, O'Toole & Olson  
100 Pine Street, Ste. 350  
San Francisco, CA 94111  
Telephone: (415) 409-8900  
kolson@cofolaw.com  
afield@cofolaw.com

DATED: May 19, 2023

Respectfully submitted,

BROWN RUDNICK LLP

By: /s/ Michael J. Bowe  
LEO J. PRESIADO (State Bar No. 166721)  
2211 Michaelson Drive, 7th Floor  
Irvine, CA 92612  
Telephone: (949) 752-7100  
Facsimile: (949) 252-1514  
Email: lpresiado@brownrudnick.com

Michael J. Bowe (admitted *pro hac vice*)  
mbowe@brownrudnick.com  
Lauren Tabaksblat (admitted *pro hac vice*)  
ltabaksblat@brownrudnick.com  
7 Times Square  
New York, New York 10036  
Telephone: (212) 209-4800  
Facsimile: (212) 209-4801

*Attorneys for Plaintiffs*